

# Notice of Allowability

Application No.

10/722,836

Examiner

Evelyn A. Lester

Applicant(s)

KELLY ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to election filed on 9-6-05.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2-10-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
EVELYN LESTER  
PRIMARY EXAMINER

***Election/Restrictions***

1. Applicant's election without traverse of Group I (Claims 1-38) in the reply filed on 9-6-05 is acknowledged.
2. This application is in condition for allowance except for the presence of claims 39-52 to invention(s) non-elected without traverse. Accordingly, claims 39-52 been cancelled.

**REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

The prior art does not show or fairly suggest the claimed invention of a polarization controller, method of resetting a polarization controller and an apparatus for resetting a polarization controller, all having the claimed structure and claimed limitations, wherein a rejection under 35 USC 102 or 103 would be improper. Please particularly note the combination of claimed elements and claimed limitations, specifically including the limitation wherein a first driver coupled to the first and second elements to reset the third element. This particular limitation in combination with the rest of the claimed elements and limitations could not be found in the prior art. Therefore, the claimed invention is considered to be in condition for allowance as being novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Drawings***

5. The drawings were received on 5-18-04. These drawings are accepted by the Examiner.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following are U.S. Patents and U.S. Patent Pubs. directed to various configurations of polarization control systems:

Harris et al	U.S. Patent 3,574,441
Macken	U.S. Patent 3,644,016
Johnson et al	U.S. Patent 5,132,826
Ferguson	U.S. Patent 5,412,500
Ferguson	U.S. Patent 5,414,546
Ye	U.S. Patent 5,473,465
Sharp et al	U.S. Patent 5,658,490
Sharp et al	U.S. Patent 6,046,786
Sharp et al	U.S. Patent 6,078,374
Chen et al	U.S. Patent 6,330,097 B1


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Sharp et al	U.S. Patent 6,380,997 B1
Chen et al	U.S. Patent 6,404,538 B1
Miller	U.S. Patent 6,552,836 B2
Penninckx et al	U.S. Patent 6,631,221 B2
Savory	U.S. Patent 6,765,723 B1
Biyikli	U.S. Patent 6,784,416 B2
Savory et al	U.S. Patent 6,842,283 B2
Yaffe	U.S. Patent Pub. 2001/0028760 A1
Zou et al	U.S. Patent Pub. 2003/0002131 A1
Patel et al	U.S. Patent Pub. 2003/0174400 A1
Martinelli et al	U.S. Patent Pub. 2004/0262499 A1

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on subject to an increased flex schedule, M-F, 10-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Evelyn A. Lester  
Primary Examiner  
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